

AMENDED IN ASSEMBLY MARCH 22, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 361**

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**Introduced by Assembly Member Ma**

February 14, 2007

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An act to amend Section 9202 of the Probate Code, relating to decedents' estates.

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as amended, Ma. Decedents' estates: creditor claims.

Existing law requires the general personal representative or the estate attorney of a decedent's estate to provide notices to the Director of Health Care Services and the Director of the California Victim Compensation and Government Claims Board, under specified circumstances, not later than 90 days after the date letters of administration are first issued.

This bill would require the general personal representative or estate attorney to give the Franchise Tax Board notice of the administration of the estate, as specified, not later than 90 days after the date letters of administration are first issued.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 9202 of the Probate Code is amended to
- 2 read:
- 3 9202. (a) Not later than 90 days after the date letters are first
- 4 issued to a general personal representative, the general personal

1 representative or estate attorney shall give the Director of Health  
2 Care Services notice of the decedent's death in the manner provided  
3 in Section 215 if the general personal representative knows or has  
4 reason to believe that the decedent received health care under  
5 Chapter 7 (commencing with Section 14000) or Chapter 8  
6 (commencing with Section 14200) of Part 3 of Division 9 of the  
7 Welfare and Institutions Code, or was the surviving spouse of a  
8 person who received that health care. The director has four months  
9 after notice is given in which to file a claim.

10 (b) Not later than 90 days after the date letters are first issued  
11 to a general personal representative, the general personal  
12 representative or estate attorney shall give the Director of the  
13 California Victim Compensation and Government Claims Board  
14 notice of the decedent's death in the manner provided in Section  
15 216 if the general personal representative or estate attorney knows  
16 or has reason to believe that an heir is confined in a prison or  
17 facility under the jurisdiction of the Department of Corrections  
18 and Rehabilitation or confined in any county or city jail, road camp,  
19 industrial farm, or other local correctional facility. The director of  
20 the board shall have four months after that notice is received in  
21 which to pursue collection of any outstanding restitution fines or  
22 orders.

23 (c) (1) Not later than 90 days after the date letters are first issued  
24 to a general personal representative, the general personal  
25 representative or estate attorney shall give the Franchise Tax Board  
26 notice of the administration of the estate. The notice shall be given  
27 as provided in Section 1215.

28 (2) The provisions of this subdivision shall apply to estates for  
29 which letters are issued on or after January 1, 2008. This  
30 subdivision shall also apply to estates ~~that~~ *for which*, as of January  
31 1, 2008, ~~an order a petition~~ for final distribution has not been ~~made~~  
32 *filed*, provided that the general personal representative or estate  
33 attorney shall not be in violation of its provisions if he or she  
34 provides the required notice within 90 days of January 1, 2008.